

**STATE OF MINNESOTA
PRIVATE DETECTIVE AND PROTECTIVE AGENT SERVICES BOARD**

MEETING: April 26, 2016

LOCATION: Bureau of Criminal Apprehension, 1430 Maryland Avenue East, St. Paul, MN 55106

MEMBERS PRESENT: Steve Wohlman, Rick Hodsdon, Jim Hessel, Jeff Hansen

MEMBERS NOT PRESENT: Pat Moen

ATTORNEY GENERAL REPRESENTATIVE: Pete Magnuson

EXECUTIVE DIRECTOR: Greg Cook

ADMINISTRATIVE ASSISTANT: Shauna Jahnz

1. REVIEW OF MARCH 2016 MEETING MINUTES & APRIL 2016 AGING REPORTS

The April 2016 Board Meeting was called to order at 10:00 AM. Hodsdon noted four of the five Board Members were present, which meets quorum. Hodsdon questioned if there were any corrections or comments to the March Meeting Minutes or the April Aging Reports. Wohlman made a motion to approve the Meeting Minutes. Hessel seconded. The motion carried.

2. CURRENT CONTINGENCIES

PDC 1035 – Rimkus Consulting Group, Inc. [Expires May 2016] [Original License Date: 3/29/10]

Cook noted all the necessary information was provided. He stated that the license holder did provide a Letter of Explanation to the Board. Cook also mentioned that there was an issue during their renewal process in regards to a CEO Officer change that took place that the Board was not aware of. He stated that they were currently working on the officer change application. Hodsdon stated that everything was submitted for the renewal. He noted the lateness of the packet as well as the officer change. Wohlman motioned to lift the contingency with a \$50.00 penalty for going into a contingency. Hessel seconded. The motion carried.

PDC 1060 – Midwest Legal, LLC [Expires May 2016] [Original License Date: 3/26/12]

Hodsdon noted that the agency had not yet heard back from the license holder, but that the contingency was not up until May 2016, therefore the contingency remains.

3. RENEWAL CONSENT AGENDA

Cook stated they have provided all materials and have no issues. Files are available for review:

LICENSE HOLDERS
PAP 238 – ERMIC II, L.P.
PDC 982 – HUB Enterprises, Inc.
PDC 936 – Stroz Friedberg, LLC
PDC 854 – Boudreau Investigations, Inc.

Hessel made a motion to renew the above licenses. Wohlman seconded. The motion carried.

4. RENEWALS WITH ISSUES:

PDI 742 – Charles Loesch [Original License Date 11/01/95]

Hodsdon noted that the individual was requesting a contingency due to some renewal issues. Cook noted that this had been an issue in past renewals as well with this license holder. Hodsdon noted there were a history of penalties and issues dating back to 1985. Hodsdon stated that at this point, the license holder was requesting a contingency. Cook affirmed. Wohlman noted that the license holder's email requested a lapsed license. Hodsdon stated that the license holder may not know the difference between lapsed and contingent statuses. Hessel affirmed. Wohlman noted that the license would be lapsed for 60 days and that the individual could not operate. Hodsdon stated that the rest of the letter appeared to indicate that the license

holder would want a contingency. Hessel affirmed. Hodsdon stated that due to the penalty history, there may be consideration for a penalty when the contingency is resolved. He noted it would be premature to discuss any penalties at this time. Hessel affirmed. Hessel made a motion to grant a contingency. Wohlman seconded. The motion carried.

5. LAPSED LICENSES:

PAC 334 – Miller Protection Services, Inc. [Lapse Expires April 2016] [Original License Date: 2/27/12]

Cook noted that the license would expire as of today. He mentioned that the agency had done its diligence in contacting the license holder in order to get this processed. Wohlman stated there was nothing else the agency could have done. It was noted for the record that this license would be expired.

6. SURRENDERED LICENSES:

PDC 999 – Bonnamy & Associates

PAC 182 – St. Mary’s/Duluth Clinic Health System (SMDC) dba: Essentia Health East

7. TRAINING COURSE & INSTRUCTOR APPROVALS: *Training packets available to Board for review.*

TYPE	PROVIDER	INSTRUCTORS	COURSE NAME	HRS
PPA	Monterrey Security	Francis Marrocco & Edward Konstanty	Preassignment	23
CPA	Monterrey Security	Francis Marrocco & Edward Konstanty	Continuing Protective Agent	7
CPAPD	Richard Hodsdon	Richard Hodsdon	MN Expungement Law – Statutes & Case Law	6
CPD	Leading Edge Legal Ed	Sabine Hilten	Ethics for Legal Professionals: Truth & Consequences	1
CPD	Leading Edge Legal Ed	Sabine Hilten	Homeland Security: Enemies, Domestic	2
CPD	Leading Edge Legal Ed	Sabine Hilten	Homeland Security: Enemies, Foreign	2

PROVIDER	INSTRUCTORS
Securitas Security Services	Clifford Follis
American Security, LLC	Mark Ford

Hodsdon noted he would abstain from the voting as he had a course on the agenda. Hessel motioned to approve the training courses and instructors. Wohlman seconded. The motion carried. Wohlman questioned if there was a typo regarding Monterrey Security’s preassignment training course. Cook stated that it was not a typo. He noted that they had submitted an excellent training packet. Cook stated the Monterrey Security would be taking over the Viking’s security contract. Cook stated that the license holder was aware that they only need to do twelve hours for preassignment, but that they go above and beyond.

8. OFFICER CHANGES.

These officer changes are for CEO/CFO's. No Board approval required. Informational only.

License Holder Business Name:	Coventbridge Group (Formerly Global Options)
License Type/Number:	PDC 1047
Change from:	Dave Finney
Change to:	David Merrill
Type of Officer Change (MM, QR, CFO, CEO):	CEO

License Holder Business Name:	Coventbridge Group
License Type/Number:	PDC 1047
Change from:	Kevin McGinn
Change to:	Brian Thompson
Type of Officer Change (MM, QR, CFO, CEO):	CFO

9. NEW LICENSE APPLICANTS – Tabled. None.

10. NEW LICENSE APPLICANTS – Present:

Applicant Business Name:	Muldoon Investigations, LLC
Type of License Applying For:	Corporate Private Detective
CEO, CFO, QR	Anita Muldoon

Hodsdon thanked Muldoon for appearing before the Board and for her application. Hodsdon stated that they had received notes from the Executive Director, indicating her long history in law enforcement. Muldoon was with the St. Paul Police Department and held multiple positions such as homicide detective, sex crimes, domestic violence, juvenile units and most recently cold cases. It was noted that there were no issues with the application and that the applicant was well qualified. Hodsdon asked Muldoon to explain her intended scope of practice. Muldoon stated that she was not quite sure yet. Muldoon stated she was open to the possibilities. She stated she had been retired for four years and still missed the work. Muldoon stated she had discussed working cold cases with Caroline Lowe. Muldoon stated this was not a get rich quick type of business, and the income was not her driving force.

Wohlman questioned if Muldoon would be armed. Muldoon stated she would not be. She noted that she was still licensed and still had her firearm, but that the license would be up in June. She has not decided yet if she would continue with the license. Cook questioned if she meant POST licensed. Muldoon affirmed. Wohlman noted he would like to caution Muldoon as she was with law enforcement and going into the private sector. Wohlman noted that the private sector is a little different. If there was any time that a license holder got into a bit of trouble as an investigator, it was because they had crossed that line involving obtaining data from law enforcement sources. Muldoon stated she appreciated the comment. She stated she was aware of that, but that she still had to learn the whole scope. She stated that would hopefully come with experience. She stated she would tread carefully.

Hessel questioned if the address provided on her application was her current address. Muldoon affirmed. Muldoon thanked the agency for assisting her with the application process. Cook thanked Muldoon. Wohlman made a motion to grant Muldoon Investigations, LLC a Corporate Private Detective license. Hessel seconded. The motion carried.

Wohlman stated he would like to have her preassignment waived. Hodsdon noted the chair would entertain a motion to spread the minutes and reconsider. Wohlman stated that he would make a motion to do so. Hessel seconded. The motion carried. Wohlman made a motion to grant Muldoon Investigations, LLC a Corporate Private Detective license with a waiver of preassignment for Muldoon. Hessel seconded. The motion carried. Muldoon thanked the Board.

11. New Applicants: Consent Agenda:

Applicant Business Name:	Alexander Coelho
Type of License Applying For:	Individual Private Detective

Hodsdon questioned if there was a representative for this application. Cook stated that this applicant was not present as he operates out of New York. Cook stated that the applicant specializes in heir finding, which is connecting unclaimed property, mainly money, back to its owner, and he acts as a broker in between the two. Cook noted this does require a license.

Cook stated that on the agency's standpoint, there were no issues. Hodsdon questioned if there was documentation regarding the appropriate number of hours. Cook affirmed. Hodsdon stated he was trying to decide the preassignment training. Cook noted that one of the challenges for our out of state license holders is taking the preassignment training. Cook stated that no one has submitted an online Preassignment course. Cook questioned the Board if they would allow an online preassignment course. He also questioned if the Board could allow extra time to this individual to get his Preassignment done.

Hodsdon stated that he would have no objection to having the online course. He noted he teaches a course online himself. Hodsdon stated that if someone wanted to submit an online course that meets all criteria, he would have no problem with it. Cook stated that he hopes someone reads the meeting minutes and develops an online course as there are not many preassignment courses. Wohlman stated he would prefer it that the individual taking the course would be able to ask questions and get responses.

Wohlman questioned if the application packet that individuals receive includes the Minnesota Statutes and Administrative Rules. Cook stated that the agency does not print off those documents for them, but that they state in the packet the Minnesota Statutes and Administrative Rules relevant to licensing. Cook noted that it is the responsibility of the applicant to find, read, and understand them. Cook mentioned that the applicant does sign off on that.

Hessel questioned if there were any problems in New York with this applicant. Cook stated that there were not. Cook stated that the applicant specializes in heir finding, and that he appreciated him getting a license. Hodsdon noted that an option, if the Board voted to grant a license, would be to issue a license, but that the applicant would not receive the physical license until they complete their preassignment training. He noted that the individual would not be able to practice at this point, but it would give him longer than 21 days to get his preassignment course completed.

Wohlman questioned if Hodsdon had made a motion to that effect. Hodsdon stated he had not. Hodsdon affirmed and stated that the license will be issued contingent upon completion of the preassignment training. Wohlman seconded. The motion carried.

12. Additional Applications: None.

Cook noted that the deadline for obtaining dual licensure is July 1, 2016.

13. REQUEST TO SPEAK TO THE BOARD:

None. Tom Snell declined again.

14. OTHER ISSUES AND DISCUSSION:

Phoenix Security thank you note to the Board

Cook stated that he wanted to acknowledge Penny Young's Thank You to the Board. Hodsdon noted that he appreciated the Thank You, but Cook and Jahnz did a lot of the work and deserve the thanks. Hodsdon extended his thanks to Penny Young for the note.

Peter Alexander & Associates – Request to Waive Preassignment (9).

License holder is asking for approval to have Preassignment waived for (2) current employees who will be moving from a non-investigative position to an investigative one. License holder has asked that their names not be publicized at the Board meeting.

Hodsdon noted that this was a request to waive preassignment training, not for the licensee, but for their staff. He stated he could not find where the Board has precedent or authority to do so. Hodsdon stated that it was a situation where the license holder was requesting the waiver of preassignment training for two employees who would be moving from a non-investigative position with the company to an investigative position. Wohlman stated he had been on the Board for 18 years, and he could not recall doing this in the past. He stated that they could waive preassignment training for those who are applying for a license, if they have already had enough experience and meet the requirements that way. Wohlman stated that that is the requirement by statute, and it's the obligation of the license holder to see to it that this is done by the employees.

Cook stated that as far as the applicants go, the Board looks at the gap between when the individual was last doing investigative or security work to when they are applying, which can be around three or four years. Cook stated that this individual was licensed himself at one time, but then wasn't licensed after 2005. Cook stated there was a gap. Wohlman affirmed. Hodsdon noted that the default is that the training needs to be done. He stated that it is not necessary to make a motion to say no. Hodsdon questioned if there was a motion. No motion was made. Hodsdon stated that having heard no motion, the request would not be granted. Cook asked if they would have to take preassignment training. Hodsdon affirmed.

Cook asked if a revoked license holder operate as a DBA under a current license holder.

Wohlman stated his opinion would be that they could not do that, but that it would depend on why the license was revoked. He stated that if the license was revoked, there would have to have been substantial evidence found. It more than likely went to a contested hearing, as the license was revoked. Wohlman stated that the individual should not even be working for another security company.

Hodsdon stated that to him, working under the license of another would be considered an employee. He stated that in the hiring of employees, they undergo a background check. If the individual doesn't have any disqualifiers, he didn't know if the Board would have jurisdiction to dictate who the entity hires. He stated that the only control that exists is statute requiring them to undergo criminal history background checks. If an individual's license was revoked due to a felony record, then the Board would have the jurisdiction and control over the individual. This jurisdiction would be over the licensee for hiring a person who doesn't have the proper qualifications.

Hodsdon noted that if the individual becomes a partner or holds an officer position within the license, it would be a different story. Wohlman questioned if the individual went under the license as a dba and was managing the dba, what would happen. Hodsdon stated that if he became an officer of that entity, he would agree.

Cook stated that it's all under the guidelines of consumer protection and public safety that they look at these items.

Possible Unlicensed Activity

Item #1

Cook stated that the agency was directed to a website of an individual who was no longer licensed, but the site was still up and running. He mentioned that the agency sent out their normal letter of notification to the individual. He stated the individual did end up contacting the agency back recently explaining that they had been trying to get the website down. Cook noted that just recently, they were successful in removing the website from the internet. Cook noted that the individual was present. Hodsdon invited the individual to step forward.

Cook read the individual, Kirk Bares, the Tennessee Warning. Cook noted that the individual did not have a legal representative with him. Bares affirmed. He questioned if Bares wished to have an attorney present. Bares declined. Magnuson asked if Bares if he was waiving that right. Bares affirmed. Magnuson informed Bares that anything he were to say during the meeting would be public information, and that it could be used against him in a conceivable criminal action. Bares stated he understood. Magnuson stated that by appearing before the Board, he was waiving that right. Bares affirmed. Magnuson explained that the Board did not have jurisdiction to file any criminal charges for unlicensed activity—that would be a prosecuting office that would have that authority. They could use the information that Bares provided as a basis for prosecution. Magnuson questioned if Bares still wanted to make a statement. Bares declined.

Cook asked Bares to explain the situation regarding his website. Bares explained he was licensed with the Board previously and had a history of law enforcement. He noted that he had some health issues during his renewal and he believed that the Board had extended his renewal at that time. Due to the health issues, Bares stated he did not renew his license. Bares explained that he had been employed by G4s and Pinkerton while he was licensed.

Bares admitted there was an issue with the website, but to call it active, that would be hard to state. He mentioned that he couldn't be reached because the phone number no longer existed as well as the address. Bares noted that he believed that Cook tried to send out a letter to him notifying him that his website was still active, but he had not received it because he was no longer at that address. Bares stated he reached out to the Board to possibly consider re-applying, and that was when Cook notified him that there was an issue previously and that his website was still up. Bares explained it was a weird situation with the website as it was hosted out of Costa Rica. It was with a company that Bares had hired to host his site, but then it was transferred to Costa Rica. Bares stated that he had tried number of times to remove the website. He also stated that you could not find the site unless you were specifically looking for him. He stated his site was about 15-20 pages back if someone were looking up an investigator in Minnesota. He stated if someone was looking specifically for him, there would have been an issue because he was not working.

Bares stated he was in good standing with the Board and had no issues. He stated he was surprised to learn that his website, without an accurate address or phone number, was still an issue. He stated that once he learned this, and he couldn't get the gentleman in Costa Rica to take it down, he hired someone else. Bares stated he contacted a local individual who knew websites and he assisted him by walking him through the process to completely remove the site. He stated he had done it the same day that Cook had contacted him. He stated he wanted to comply once he knew there was an issue with the website.

Cook questioned Bares if he had performed any investigative or security work for a fee since his license was inactive. Bares stated "no". He stated he had documented it and sent it to Cook in an email that he had worked for and was employed by G4S and Pinkerton.

Hodsdon appreciated that Bares gave the effort and resolved the issue. He stated there are two different ways the laws can be violated. First is providing the services for a fee without a license or by advertising to do investigative or security work for a fee. Hodsdon stated that when he looked at the disqualification under Subdivision 4, the finding has to be the individual is engaging in the business of private detective or protective agent services. Hodsdon stated, as he read it, that as long as someone does not perform the work, the one year probation period would not apply. Hodsdon noted that no motion was needed and thanked Bares for coming before the Board.

ITEM #2

Hodsdon noted this was another issue with an entity advertising to provide investigative or security services. Cook stated he was seeking guidance from the Board on whether or not to send a notification letter. He noted that this individual, through previous board meetings, was made very well aware of the statutes and what entails unlicensed activity. He stated the website was very detailed, and the services provided do require the license. Cook stated he was seeking guidance on what to do next regarding this entity.

Hodsdon stated that if this was a license holder who was faking their credentials, the Board could look at it as a consumer protection issue and potentially have authority. Being that the individual is not a licensee, the agencies with jurisdiction would be the State Attorney General's office, not the Board's counsel, but the consumer protection division.

Hodsdon noted that the advertisement would go to the Board licensing. Since there was no license application pending in front of the Board, they would either need to go the consumer protection route, and/or send the matter to the appropriate prosecuting agency. Cook stated that the address was listed and that he believed the jurisdiction would go with that address. Hodsdon affirmed.

Wohlman questioned if the Board would be able to allow Cook to contact the responsible law enforcement agency and let them know about the website. Wohlman made a motion to allow the Executive Director, Cook, to do so. Hansen seconded. The motion carried.

ITEM #3

He noted that the agency had received a lot of calls regarding this individual from the public. Cook stated that in this case, they offered multitudes of protective agent services. Cook stated that the agency had not contacted the individual and was looking for the Board's authority to do so first. Wohlman made a motion for the Executive Director to contact the individual with a notification letter. Hessel seconded. The motion carried.

Other Items:

Cook stated that the agency took license holders and trainers on a tour last week of the Minnesota Department of Transportation Emergency Management Center. Cook stated it was interesting and he believed that the license holders were appreciative of that.

Cook introduced recent approved private detective Caroline Rhodes. Rhodes spoke up and thanked the Board, as her license helps her to work on important cases including Jacob Wetterling and Jodi Huisentruit.

Cook announced that it would be Al Donzo's last board meeting as he had completed his internship. Cook stated he wanted to thank him personally for all of the work that he had done. The Board thanked Donzo.

Wohlman made a motion to adjourn. Hessel seconded. The motion carried. The meeting adjourned at 10:57 AM.

Next meeting is scheduled for May 24th, 2016 at 1:00pm.